

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ASSOCIATED RECOVERY, LLC,

Plaintiff,

v.

JOHN DOES 1-44,

Defendants *in rem*.

No. 3:16-CV-1025-L

In re:

744.COM	KXW.COM	UHW.COM	YJX.COM
028.COM	LNМ.COM	VCZ.COM	YLZ.COM
3DCAMERA.COM	LUOHE.COM	VGJ.COM	YQP.COM
FNY.COM	MEQ.COM	WYD.COM	YQT.COM
FX2.COM	OCU.COM	XAQ.COM	YRN.COM
FXF.COM	PIXIE.COM	XFF.COM	YTE.COM
JTZ.COM	QMH.COM	XSG.COM	YYG.COM
KGJ.COM	RUTEN.COM	YCX.COM	ZDP.COM
KMQ.COM	SDU.COM	YEY.COM	ZHD.COM
KOU.COM	SQG.COM	YGX.COM	ZULIN.COM
KXQ.COM	TAOLV.COM	YJR.COM	ZZM.COM

DEFENDANTS' RULE 12(b) MOTION TO DISMISS AMENDED COMPLAINT

Through the undersigned counsel, *in rem* Defendants 744.com, 028.com, fny.com, jtz.com, kgj.com, kmq.com, kxq.com, kxw.com, lnm.com, luohe.com, meq.com, ocu.com, pixie.com, qmh.com, sqg.com, vcz.com, vgj.com, wyd.com, xaq.com, xff.com, xsg.com, ycx.com, ygx.com, yjr.com, yqp.com, yqt.com, yjx.com, yrn.com, yte.com, yyg.com, zdp.com, zhd.com, zulin.com, and zzm.com (collectively, "Defendants") move the Court to dismiss this action under Federal Rule of Civil Procedure 12(b).

On August 1, 2016, Plaintiff Associated Recover, LLC filed an Amended Complaint (Dkt. 76). The Court should dismiss with prejudice all claims in the Amended Complaint on at least the following grounds:

1. Plaintiff's claims are collaterally estopped, so this case should be dismissed under Rule 12(b)(6).
2. Plaintiff's claims are either not cognizable causes of action, inapplicable to the facts pled, or are time barred, thus further warranting dismissal under Rule 12(b)(6).
3. Plaintiff lacks standing, so dismissal is proper under Rule 12(b)(1).
4. Plaintiff asserts for the first time in its Amended Complaint *in personam* claims against the *in rem* Defendants' respective owners, none of whom are subject to the Court's personal jurisdiction. The Court should dismiss the *in personam* claims against the owners under Rule 12(b)(2).
5. Plaintiff failed to join necessary parties, thereby making dismissal proper under Rule 12(b)(7).

Dated: August 22, 2016

Respectfully submitted

By: /s/ Steven M. Geiszler

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 22, 2016 I caused the foregoing document to be served on counsel of record via the Court's CM/ECF system.

/s/ Steven M. Geiszler

Steven M. Geiszler